

NOTE: Pursuant to Fed. Cir. R. 47.6, this order
is not citable as precedent. It is a public order.

United States Court of Appeals for the Federal Circuit

06-1013, -1037

AUTOMOTIVE TECHNOLOGIES INTERNATIONAL, INC.,

Plaintiff/Counterclaim Defendant-
Appellant,

v.

BMW OF NORTH AMERICA, INC.,

Defendant,

and

DAIMLERCHRYSLER CORPORATION, FORD MOTOR COMPANY,
GENERAL MOTORS CORPORATION, HONDA MOTOR COMPANY LIMITED,
AMERICAN HONDA MOTOR COMPANY, INCORPORATED,
HYUANDAI MOTOR COMPANY, HYUNDAI MOTOR AMERICA,
MAZDA MOTOR OF AMERICA, INC., PORCHE CARS NORTH AMERICA, INC.,
SAAB CARS USA, INC., SIEMENS AUTOMOTIVE CORPORATION,
TOYOTA MOTOR SALES USA, INC., and VOLKSWAGEN OF AMERICA, INC.,

Defendants/Counterclaimants-
Appellees,

and

NISSAN NORTH AMERICA, INC.,

Defendant/Counterclaimant-Cross
Appellant,

and

CALSONIC KANSEI CORPORATION,

Counterclaimant Defendant-Cross
Appellant,

and

KIA MOTORS AMERICA, INCORPORATED,
BOSCH AUTOMOTIVE MOTORS SYSTEM CORPORATION,

DAIMLERCHRYSLER A.G., DELPHI AUTOMOTIVE SYSTEMS, SIEMENS AG,
TK ELECTRONICS, INCORPORATED, and TRW AUTOMOTIVE U.S., LLC,

Counterclaimant Defendants-Appellees,

and

SAAB AUTOMOTIVE AB and
TEMIC AUTOMOTIVE OF NORTH AMERICA, INCORPORATED,

Defendants-Appellees,

and

CK ELECTRONICS, INCORPORATED
and CONTI TEMIC MICROELECTRONIC, GMBH,

Defendants-Appellees.

Before BRYSON, Circuit Judge.

ORDER

The parties respond to this court's order concerning whether the appeal should be stayed in its entirety because Delphi Corporation, a defendant-appellee, notified the court that the automatic stay provisions of 11 U.S.C. § 362 became applicable when it filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code.

It is suggested by Delphi Automotive Systems that Automotive Technologies International, Inc. will move in the bankruptcy court to lift the stay of proceedings in this appeal. Thus, we deem it the better course to allow the bankruptcy court, in the first instance, to determine whether Delphi may proceed in this court before we determine whether the remainder of the appeal should proceed. We temporarily stay the briefing schedule in this appeal pending further notification from Delphi and Automotive Technologies.

Accordingly,

IT IS ORDERED THAT:

The briefing schedule is temporarily stayed. Delphi and Automotive Technologies are directed to file status reports every 60 days concerning whether the bankruptcy court has lifted the stay in this case.

12/13/05
Date

William C. Bryson
William C. Bryson
Circuit Judge

cc: Andrew Kochanowski, Esq.
Drew M. Wintringham, III, Esq.
Kenneth A. Gallo, Esq.
John J. Feldhaus, Esq.
Charles W. Shifley, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

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JAN HORBALY
CLERK